

may then be received as such evidence and appropriately identified by marking such evidence, respectively, as claimant's or respondents' exhibits, consecutively numbered in each respect. At the termination of such a conference, the person in charge thereof shall prepare for the file in the case a memorandum setting forth the purpose for which the conference was held, the matters discussed and the results achieved. Should a conference terminate without complete achievement of the purpose thereof, and the remaining issue or issues be of such character as not to present a difficult basis for adjustment by amicable agreement of the interested parties, the person in charge, after review of the record of the case, may by letter addressed to the parties in interest make his recommendation to dispose of the matter in controversy, setting a date for reply thereto. Every such letter should advise the interested parties that the purpose thereof is to recommend a basis for agreement, upon such issue or issues, as appears from review of the information contained in the current record of the case, and that such recommendation is not a "decision" in the case and will not affect or prejudice the rights of any party, or the further adjustment of the case, should the recommendation not be accepted by such parties and a later hearing be found necessary.

(Sec. 23 (b), 44 Stat. 1437; 33 U. S. C. 923 (b))

**§ 51.5 Commutation of payments in cases of aliens and non-nationals of the United States.**

Applications under section 2(b) of the said act of August 16, 1941, as amended (55 Stat. 622; 42 U.S.C. 1651) for commutation of future installments of compensation payable to aliens and non-nationals of the United States, not residents of the United States or Canada, shall be made to the deputy commissioner, who shall in turn transmit such applications promptly to the Bureau. Such commutation shall be made as of the date such application is received by the office of the deputy commissioner, whether addressed to him at his headquarters or at a sub-office within his district, or such later date as the application may show to be proper. No such commutation shall be made except upon the basis of a compensation order fixing the right of the beneficiary to compensation.

**PART 52—AUTHORIZATION OF INSURANCE CARRIERS**

Sec.

- 52.1 Applicants currently authorized to write insurance under other Federal workmen's compensation laws.
- 52.2 Workmen's compensation endorsement.
- 52.3 Report by carrier of issuance of policy or endorsement; form.
- 52.4 Report; by whom sent.
- 52.5 Agreements to be bound by card reports.
- 52.6 Report by employer operating temporarily in another compensation district.
- 52.7 Name of one employer only shall be reported on one card.

**AUTHORITY:** The provisions of this Part 52 issued under sec. 39, 44 Stat. 1442, sec. 1, 55 Stat. 622; 33 U.S.C. 939, 42 U.S.C. 1651.

**SOURCE:** The provisions of this Part 52 appear at 8 F.R. 4233, Apr. 3, 1943, unless otherwise noted.

**§ 52.1 Applicants currently authorized to write insurance under other Federal workmen's compensation laws.**

Any applicant currently authorized by the Bureau to write insurance under the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U. S. C., Chapter 18) or under the District of Columbia workmen's compensation law (45 Stat. 600; 19 D. C. Code, 11, 12) need not support its application with the evidence required by the regulations in Part 32, Subchapter C of this chapter, except the form of policy and endorsement which it proposes to use, unless specifically requested by the Bureau but instead its application may refer to the fact that it has been so authorized.

**§ 52.2 Workmen's compensation endorsement.**

(a) The following form of endorsement applicable to the standard workmen's compensation and employers' liability policy shall be used with the form of policy approved by the Bureau for use by an authorized carrier:

For attachment to Policy No. -----

The obligations of paragraph one (a) of the Policy include the Longshoremen's and Harbor Workers' Compensation Act, being Public Law No. 803 of the 69th Congress, approved March 4, 1927, as extended by the provisions of the Act of Congress providing compensation for disability or death resulting from injury to persons employed at military, air, and naval bases and at certain other places, being Public Law No. 208 of the 77th Congress, approved August 16, 1941, and all laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The Company will carry out the provisions of section 35 of said act. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the Company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The Company agrees to abide by all the provisions of this Act and all lawful rules, regulations, orders, and decisions of the Bureau of Employees' Compensation, Federal Security Agency and of the deputy commissioner, having jurisdiction, unless and until set aside, modified, or reversed by a court having jurisdiction of the parties and the subject matter.

This endorsement shall not be canceled prior to the date specified in this policy for its expiration until at least thirty days have elapsed after a notice of cancellation has been sent to the Bureau, to the Deputy Commissioner, and to this employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

References to the law of any State in Conditions B and D of this policy are hereby declared to include for the purpose of this endorsement only, the provisions of the Longshoremen's and Harbor Workers' Compensation Act and the said act of Congress approved August 16, 1941 (Public Law No. 208, 77th Congress), as amended.

(b) The following paragraphs may at the option of the insurer be included in the form of endorsement which is provided above. No other provision, alteration of any prescribed provision, or alteration of any optional provision shall be made or used in any such endorsement except after submission to the Bureau and its specific approval thereof.

If this employer is a contractor the subject of whose contract includes operations covered by this policy and he shall sub-contract all or any part of such contract to one or more sub-contractors, the remuneration of all the direct employees of all such sub-contractors shall be included in the return of remuneration under the provisions of this policy upon which premium is computed. Such remuneration so reported shall be considered the remuneration of employees of this employer and shall in all instances be governed by the same terms, conditions, requirements, and obligations of the policy as the remuneration of the direct employees of this employer. The requirements of this paragraph shall not apply as respects any such sub-contractor who has secured compensation for his direct employees as required by the Longshoremen's and Harbor Workers' Compensation Act, but this employer shall not claim the benefit of this

exemption unless and until he shall satisfy the company by certificate or otherwise that any such sub-contractor has legally secured the payment of compensation to his own direct employees and then only respecting any sub-contractor who has furnished such proof.

If the premium as determined in accordance with the provisions of the policy is less than \$300, there shall be added thereto an expense constant of \$10, unless such addition shall increase the premium to an amount in excess of \$300, in which event only such part of the expense constant shall be added as will bring the amount of the premium up to \$300. Inclusion of the expense constant or any part thereof in the estimated advance premium is subject to final adjustment upon audit, all in accordance with the provisions hereof. The minimum premium of the policy includes the expense constant.

(c) In applying the regulations in Part 32 Subchapter C of this chapter as the regulations issued under this subchapter, all references to the Longshoremen's endorsement shall be construed as having reference to the workmen's compensation endorsement prescribed in this section.

### § 52.3 Report by carrier of issuance of policy or endorsement; form.

(a) A carrier which has executed the agreement provided for in § 52.5 shall report to the deputy commissioner assigned to a compensation district each policy and endorsement issued by it to an employer who carries on operations in such compensation district. The report shall be made upon a printed card to be provided by such carrier. Such card shall be 50 percent rag, light yellow, light weight, and 3 by 5 inches. The printing thereon shall be as follows:

Employer .....  
 Address.....  
 Policy No. Dates of beginning and expiration  
 Report is made of the issue of approved form of policy and endorsement under Longshoremen's and Harbor Workers' Compensation Act, as extended to military, air and naval bases and other places by the Act of August 16, 1941, as amended.  
 Insurance Company  
 By.....  
 Cancellation.....  
 Effective date Date notice received by deputy

This card shall be sent to the Deputy Commissioner of the Bureau of Employees' Compensation, Federal Security Agency for the compensation district indicated by the Employer's address.

(b) Each such carrier will print its name at the place indicated. The note at the bottom designating the place to which the card shall be sent should be in small type, about 6 point, and if desired this designation may be printed on the back of the card. The space below the word "employer" should be sufficient to allow two additional lines of typewriting and space should be left to allow two additional lines for typing below the word "address". The word "employer" should be about  $\frac{3}{4}$  of an inch from the top margin. The line for cancellation date will be filled in only by the office of the deputy commissioner.

**§ 52.4 Report; by whom sent.**

The report of issuance of a policy and endorsement provided for in § 52.3 shall be sent by the home office of the carrier to the deputy commissioner at his headquarters, except that any carrier may authorize its agency or agencies in any compensation district to make such reports to the deputy commissioner, provided the carrier shall notify the deputy commissioner in such district of the agent or agencies so duly authorized. The deputy commissioner in turn shall supply to his sub-offices current lists showing the policies so reported, giving the names and addresses of the employers, with the names of their respective carriers, the policy numbers and the dates of beginning and expiration of the policies. Similar current lists of cancellations shall also be furnished to sub-offices.

**§ 52.5 Agreements to be bound by card reports.**

(a) Except as provided in this section, each employer shall present to the deputy commissioner in the compensation district in which he has operations, the policy which he has procured in compliance with section 32 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1439; 33 U. S. C. 932), as extended by the act of August 16, 1941, as amended, covering his operations in such district. Any carrier desiring to do so may make such presentation of such policy unnecessary in any particular case by transmitting to the Bureau an agreement signed by its president and secretary (or other authorized officers in cases of foreign or mutual companies or State funds), in the following form, and making reports,

accordingly, of the issuance of a policy in such particular case:

The----- Insurance Company hereby agrees, in consideration of the acceptance by the Bureau of Employees' Compensation, Federal Security Agency and its deputy commissioners of reports of issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act as extended to military, air and naval bases and other places by the Act of August 16, 1941 (Public Law 208, 77th Congress), as amended, in the form prescribed by the Commission in § 52.3 of its regulations, that it will be liable, and hereby accepts the full liability expressed in the approved form of endorsement, under said law in all cases in which it has heretofore and may hereafter use the prescribed form of report to deputy commissioners and transmit the same to the proper deputy commissioner; the sending of such report of issue of policy to the deputy commissioner shall be accepted by the Bureau and its deputy commissioners as conclusive evidence (1) of the issuance of a policy to the employer named in such report under the Act of August 16, 1941, as amended, in approved form and having attached an approved form of endorsement under applicable regulations of the Bureau, and (2) of the effectiveness of such policy during the period as stated in such report; and it further agrees that such liability shall not be terminated prior to the expiration of the policy, except in case of cancellation, and then at the time and in the manner which is prescribed in said law, in the regulations of said Bureau, and in the endorsement referred to.

(b) An insurance carrier desiring to withdraw from such agreement may do so upon giving 30 days notice to the Bureau by registered mail.

**§ 52.6 Report by employer operating temporarily in another compensation district.**

Where an employer having operations in one compensation district (or jurisdictional area of such district) contemplates engaging in work subject to the said act of August 16, 1941, as amended, in another compensation district, a carrier which has executed the agreement provided for by § 52.5, and desires to report coverage as to work performed in such other district, may submit to the deputy commissioner of such latter district a report on the card form prescribed by § 52.3, containing the address of the employer in the first mentioned district with the additional notation "No present address in----- compensation district. Certificate requested when address given."

**§ 52.7 Name of one employer only shall be reported on one card.**

A separate report of the issuance of a policy and endorsement, provided for by § 52.3, shall be made for each employer covered by a policy. If a policy is issued insuring more than one employer, a separate card report for each employer so covered shall be sent to the deputy commissioner concerned, with the name of only one employer on each such report. Unless a card report is received by the deputy commissioner for a compensation district, the deputy commissioner shall regard an employer as an uninsured employer in the particular compensation district (except in cases where such employer is a duly authorized self-insurer, or the employer himself has presented a policy for inspection by the deputy commissioner).

**PART 53—AUTHORIZATION OF SELF-INSURERS**

Sec.

53.1 Authorization of self-insurers.

53.2 Reports required of self-insurers; examination of accounts of self-insurer.

**§ 53.1 Authorization of self-insurers.**

The provisions of the regulations in Part 33, Subchapter C of this chapter, shall govern the authorization of the self-insurance privilege under the said act of August 16, 1941, as amended. An application shall contain (a) a statement of the amount of the employer's pay roll of employees, within the purview of such act, for the preceding 12 months; (b) a statement by classifications of the average number of employees engaged in employments within the purview of said law for the preceding 12 months; (c) a statement of the number of injuries to such employees resulting in disability of more than 7 days duration, or in death, during each of 3 years next preceding the date of the application; (d) an itemized statement of the assets and liabilities of the employer, and current profit and loss statement; (e) a description of the safety organization maintained by the employer for the prevention of injuries at his places of work; (f) a description of the facilities maintained or the arrangements made for the medical and hospital care of injured employees; (g) a statement describing any excess loss insurance or stop-loss insurance arrangement made by the employer, giving the name of the carrier, with full details of any such ex-

cess loss coverage; and (h) a statement describing the plan adopted by the employer to set aside a reserve fund for the payment of workmen's compensation benefits (and loss adjustment expenses) under said law. The Bureau in its discretion may require the applicant to submit such further information or such evidence as the Bureau may deem necessary to have in order to enable it to give adequate consideration to such application. Such application shall be signed by the applicant over his typewritten name and if the applicant is not an individual, by the principal officer of the applicant duly authorized to make such application, over his typewritten name and official designation, and shall be sworn to by him. If the applicant is a corporation, the corporate seal shall be affixed. The application shall be filed with the Bureau. The regulations in this part shall be binding upon each applicant hereunder and the applicant's consent to be bound by all requirements of the said regulations shall be deemed to be included in and a part of the application, as fully as though written therein. (Sec. 39, 44 Stat. 1442; 33 U.S.C. 939. Interprets or applies sec. 1, 55 Stat. 622, as amended; 42 U.S.C. 1651) [8 F.R. 4234, Apr. 3, 1943]

**§ 53.2 Reports required of self-insurers; examination of accounts of self-insurer.**

(a) At such times as the Bureau may require or prescribe, each self-insurer shall submit such of the following reports as may be requested:

(1) A sworn itemized statement of the self-insurer's assets and liabilities (or a balance sheet), and current profit and loss statement.

(2) A sworn statement showing by classifications the pay roll of employees of the self-insurer who are engaged in employments within the purview of the said act of August 16, 1941, as amended.

(3) A sworn statement of payments of compensation in current cases during any specified quarter, showing the nature of injury in each case.

(4) A sworn statement covering the 6 months' period preceding the date of such report, listing by compensation districts all death and injury cases which have occurred during such period, together with a report of the status of all outstanding claims, showing the particulars of each case.